

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #00-879
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
CASTLE ROCK SCHOOL DISTRICT)	
)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 On February 4, 2000, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Castle Rock School District.

II.

SCOPE

- 2.1 Staff reviewed the complaint letter received February 4, 2000.
- 2.2 Staff reviewed the following responses received from Castle Rock Public Schools:
- a. Response received from Dr. Bennet J. Acker, Superintendent, on February 18, 2000.
 - b. Response received from John C. Kleine, Business Manager, on June 5, 2000.
- 2.3 Staff spoke with Dr. Bennet J. Acker on May 3, 2000.
- 2.4 Staff reviewed the sworn statement of John Kleine made June 20, 2000.

III.

LAW

3.1 RCW 42.17.680 states in part:

- (3) **No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . .**
- (4) **Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

IV.

FINDINGS

- 4.1 On February 4, 2000, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Castle Rock School District. **(Exhibit 1)** Lund's complaint alleges that he visited the Castle Rock School District's Payroll Office (District) on February 3, 2000 and requested to see the payroll deduction authorizations for WEA-PAC contributions. Lund was told by John Kleine, payroll officer for the District, that the completed authorization forms were not kept by the District, but rather by the Castle Rock Education Association.
- 4.2 A response was received on February 17, 2000 from Dr. Bennet J. Acker, Superintendent of Castle Rock Public Schools. **(Exhibit 2)** Dr. Acker responded that Lund had appeared unannounced on February 3, 2000 and requested to see forms for WEA-PAC deductions. Dr. Acker's response states that "Mr. Kleine was engaged in other work and did not have the time to go through personnel files to retrieve the information that was requested."
- 4.3 John Kleine, Business Manager for the District, was asked whether the District had signed WEA-PAC deduction authorizations prior to Jami Lund's visit. In a letter dated June 2, 2000, Kleine responded that "[the District] did not have current year authorizations" and that "deductions were made based on prior year contributors, with adjustments made once we received the current year forms. **(Exhibit 3)** In a

follow up interview, Kleine stated under oath that the District did not have WEA-PAC deduction authorizations for the 1999-2000 school year on file at the time of Lund's visit. The District did have WEA-PAC deduction authorizations for the 1997-98 and 1998-99 school years. Those authorizations were in the District's archival storage room, which is in a different building than where the Payroll Office is located.

- 4.4 Kleine stated that the District's normal practice was to receive deduction authorizations from the Castle Rock Education Association in September at the beginning of each school year. The authorizations were transmitted collectively, usually around the middle of September. After the initial transmittal in September, the CREA would send individual deduction authorizations to the District as each authorization was signed. Kleine does not know why the District failed to receive the deduction authorizations in September 1999. The District administration offices, including Payroll, had moved in late August 1999, but Kleine did not recall ever receiving the 1999-2000 deduction authorizations. Approximately five months later the District discovered that they did not have WEA-PAC deduction authorizations when Lund visited the Payroll office. The District had been withholding deductions for WEA-PAC based on the authorizations from the 1998-99 school year.
- 4.5 When the District realized that the employee WEA-PAC deduction authorizations could not be found, copies were requested from the Castle Rock Education Association. The copies were received within two weeks of Lund's visit and are now available for public inspection along with authorizations from the 1997 and 1998 school years.
- 4.6 The District response included copies of all deduction authorizations that it now has on file. 33 employees signed deduction authorizations for the 1999-2000 school year: 3 authorizations were signed in September 1999; 16 authorizations were signed in February 2000; and 14 authorizations were signed in March 2000. 29 of the current 33 deduction authorizations were signed after Lund's visit to the District office. **(Exhibit 4)** According to Kleine, all 33 payroll deductions began with the employees' September 30, 1999 paycheck. **(Exhibit 5)** The District withheld payroll deductions for WEA-PAC contributions from 30 employees without having written authorizations..

Respectfully submitted this 10th day of July, 2000.

Lori Anderson
Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Complaint letter received February 4, 2000.
- Exhibit 2** Response letter received February 22, 2000, from Dr. Bennet J. Acker, Superintendent of the Castle Rock School District.
- Exhibit 3** Letter dated June 2, 2000 to Lori Anderson from John Kleine
- Exhibit 4** 1999-2000 WEA-PAC deduction authorizations signed by employees of the Castle Rock School District
- Exhibit 5** June 28, 2000 letter to John Kleine from Lori Anderson with handwritten response from John Kleine (sent by facsimile on July 6, 2000)